

SENATE FINANCE COMMITTEE

April 7, 2021

9:16 a.m.

9:16:56 AM

CALL TO ORDER

Co-Chair Bishop called the Senate Finance Committee meeting to order at 9:16 a.m.

MEMBERS PRESENT

Senator Click Bishop, Co-Chair
Senator Bert Stedman, Co-Chair
Senator Lyman Hoffman
Senator Donny Olson
Senator Natasha von Imhof
Senator Bill Wielechowski
Senator David Wilson

MEMBERS ABSENT

None

ALSO PRESENT

Jasmin Martin, Staff, Senator Wilson.

PRESENT VIA TELECONFERENCE

Jonathon Harshfield, State Property Manager, Anchorage; John Lee, Director, Senior and Disability Services, Department of Health and Social Services (DHSS), Palmer; Craig Baxter, Program Manager, Residential Licensing, Division of Behavioral Health, Anchorage; JOHN LEE, DIRECTOR, SENIOR and DISABILITY SERVICES; Tony Newman, Deputy Director, Division of Senior and Disability Services, Juneau; Michael Jaffery, Self, Utqiagvik; Linda Giani, Self, Wasilla; Lois Epperson, Adult Foster Care, Wasilla.

SUMMARY

SB 89 ASSISTED LIVING HOMES: HOUSE RULES

SB 89 was HEARD and HELD in committee for further consideration.

SB 95 SEARCH AND RESCUE SURPLUS STATE PROPERTY

SB 95 was HEARD and HELD in committee for further consideration.

SB 98 ADULT FOSTER CARE FOR DISABLED

SB 98 was HEARD and HELD in committee for further consideration.

#sb95

SENATE BILL NO. 95

"An Act relating to the right of first refusal of a volunteer search and rescue group with respect to surplus state property."

[9:18:35 AM](#)

DAVID WILSON, SPONSOR, introduced himself.

[9:18:45 AM](#)

JASMIN MARTIN, STAFF, SENATOR WILSON, introduced herself.

Senator Wilson explained the legislation through the Sponsor Statement (copy on file):

Search and rescue operations across the State of Alaska are largely done by volunteer organizations dispatched by the Alaska State Troopers. These groups provide lifesaving services to our state at minimal cost. SB 95 provides assistance to the groups at no cost to the state.

While search and rescue groups can be reimbursed for costs incurred during specific operations, the state does not generally provide them with equipment. This legislation allows a volunteer search and rescue organization to exercise the right of first refusal on items related to search and rescue before the property is sold, leased, licenses, or disposed of. This bill enables these volunteer search and rescue groups to

more easily obtain the equipment they need to fulfill their lifesaving mission.

Ms. Martin addressed the Sectional Analysis (copy on file):

Section 1: Names this act the Ellie Mae Act.

Section 2: Amends AS 44.68.110 to allow an organized volunteer search and rescue group to exercise right of first refusal for surplus state items related to search and rescue before they are disposed of by the state.

[9:21:56 AM](#)

Senator Hoffman remarked that the search and rescue operations in his district were frequently underfunded. He wondered why there would be a charge of the full appraised value. He felt that there should be a discount because they perform a public function. He also wondered how the search and rescue members would compete for highly prized items to provide search and rescue operations.

Senator Wilson replied that the bill was intended to allow for the entities to find discounted items.

Ms. Martin furthered that they do not necessarily need to perform a search and rescue party, but in statute it says that they "could" perform a search and rescue party.

Senator Wielechowski queried the definition of a search and rescue group.

Ms. Martin replied that it was not defined in statute. //

Senator Hoffman asked about Ellie May.

Senator Wilson responded that it was a fallen canine.

[9:26:31 AM](#)

JONATHON HARSHFIELD, STATE PROPERTY MANAGER, ANCHORAGE (via teleconference), introduced himself.

Co-Chair Bishop wondered whether Mr. Harshfield was in charge of disposing of excess property.

Mr. Harshfield replied in the affirmative.

Co-Chair Bishop queried some hypothetical situations regarding applying for excess property in the state fleet.

Mr. Harshfield replied that there would be a brief qualification process.

Co-Chair Bishop surmised that there would be a competition with other state agencies.

Mr. Harshfield responded that there would be competition with other search and rescue groups.

Co-Chair Bishop wondered whether the state had a reutilization program within state agencies.

[9:30:06 AM](#)

Mr. Harshfield replied that there were multiple tiers within the auction.

Co-Chair Bishop wondered whether there were any other state-affiliated agencies that would have allowance for state property.

Senator Wielechowski surmised that there was a tiered system for the property.

Mr. Harshfield replied in the affirmative.

Senator Wielechowski wondered how the search and rescue groups were in the second tier when they had the right of first refusal.

Mr. Harshfield replied that they were in the right of first refusal for any entity outside of the state.

Senator Wilson furthered that the state was releasing ownership of the equipment.

Senator Wielechowski wondered who would receive the title of the property.

Mr. Harshfield replied that most likely the leader of the group would receive the title, and agreed to work on who

would get ownership at the moment of disbanding of the group.

[9:35:01 AM](#)

Co-Chair Bishop wondered whether Mr. Harshfield was familiar with the federal government's Department of Utilization of Property.

Mr. Harshfield replied in the affirmative.

Senator Hoffman wondered whether there was a list of surplus property to the agencies, and wondered how the list was disseminated to the nonprofits.

Mr. Harshfield replied that there was no schedule basis. He stated that there would be work with the Department of Public Safety (DPS), and reaching out to known search and rescue groups.

Senator von Imhof felt that it was interesting that an individual person would receive ownership, rather than an entity.

Senator Wilson deferred to Ms. Martin.

Ms. Martin replied that there was already a process for what happens to a piece of equipment that the state owns for a search and rescue group. She agreed that there was no regulation for the program because the program did not exist. She felt that it would be something that would be outlined in regulation. She stated that an individual person would take responsibility for a piece of property, but not necessarily ownership.

Senator von Imhof wondered who would take ownership, and wondered whether there should be a definition.

Ms. Martin replied that there had been discussion about limiting the program to certain types of organizations, but worried that it would leave out different types of volunteer organizations.

Senator Olson asked for an example of items that would be considered excess property.

Mr. Harshfield replied that it would be anything that DPS deemed assigned to that tier.

[9:40:23 AM](#)

Senator Olson wondered whether it would include helicopters.

Mr. Harshfield replied in the affirmative.

Senator Olson wondered whether the Civil Air Patrol would be qualified in the program.

Senator Wilson replied in the affirmative.

Senator Hoffman surmised that the equipment could come from any department with surplus equipment.

Senator Wilson replied in the affirmative.

Mr. Harshfield stated that the process had not yet been put in place.

Senator Olson wondered whether the North Slope Borough would be eligible for the excess property.

Ms. Martin replied that they were eligible only if they were a volunteer organization.

Co-Chair Bishop OPENED and CLOSED public testimony.

SB 95 was HEARD and HELD in committee for further consideration.

#sb89

SENATE BILL NO. 89

"An Act relating to house rules for assisted living homes."

[9:44:23 AM](#)

JOHN LEE, DIRECTOR, SENIOR AND DISABILITY SERVICES, DEPARTMENT OF HEALTH AND SOCIAL SERVICES (DHSS), PALMER (via teleconference), introduced himself. He introduced the legislation. He stated that the Alaska statutes were not in

compliance with federal regulations, therefore the bill aligned with the federal regulations.

[9:47:18 AM](#)

Mr. Lee addressed the Sectional Analysis (copy on file):

Section 1:

Amends AS 47.33.060 House Rules for Assisted Living Homes to explicitly require consistency with federal regulation when house rules are established.

Section 2:

Adds a new section to AS 47.33.060 House Rules for Assisted Living Homes to make explicit that assisted living homes that provide waiver services may not adopt house rules inconsistent with federal regulations.

Section 3:

Carries the statutory amendments proposed in Section 1 and Section 2 of the bill to AS 47.33.300(a) regarding a resident's rights to have visitors.

Senator Wielechowski surmised that individuals were allowed to have visitors at any time.

Mr. Lee agreed.

Senator Wielechowski wondered whether the provider had any say about a visitor causing a disturbance.

Mr. Lee deferred to Mr. Baxter.

[9:49:22 AM](#)

CRAIG BAXTER, PROGRAM MANAGER, RESIDENTIAL LICENSING, DIVISION OF BEHAVIORAL HEALTH, ANCHORAGE (via teleconference), explained that if an individual was a disruption the facility could restrict access with reason.

Co-Chair Bishop OPENED and CLOSED public testimony.

SB 89 was HEARD and HELD in committee for further consideration.

[9:51:01 AM](#)

AT EASE

[9:54:28 AM](#)

RECONVENED

#sb98

SENATE BILL NO. 98

"An Act relating to medical assistance for recipients of adult foster care services; establishing an adult foster care home license and procedures; and providing for the transition of individuals from foster care to adult foster care homes."

[9:54:56 AM](#)

Co-Chair Bishop introduced the bill.

JOHN LEE, DIRECTOR, SENIOR AND DISABILITY SERVICES (via teleconference), spoke to the Sponsor Statement (copy on file).

[9:56:09 AM](#)

TONY NEWMAN, DEPUTY DIRECTOR, DIVISION OF SENIOR AND DISABILITY SERVICES, JUNEAU (via teleconference), detailed the bill with a document title, "SB 98 Adult Foster Care for Disabled One Page Summary" (copy on file):

What does this bill do?

This bill provides an opportunity for enhanced support for caregivers of individuals with disabilities who are in foster care and aging out of the foster care system. This bill establishes a new residential setting category, "adult foster care home," in which those youth with disabilities who are in foster care can continue to live with their current foster family after leaving state's custody. This bill allows for a continuity of care for the individual and provides the necessary support for the family that is continuing to provide this care, with decreased administrative burden than is normally required for an adult assisted living home.

Why is this bill needed?

Youth who experience disabilities that would otherwise require a level of care provided in an institution can

qualify for waiver services, including residential services. In these cases, a foster parent can receive a daily foster care stipend or may become certified to provide child family home habilitation to the youth. Payment rates for both are intended to cover the recipient's need for 24/7 care. In certain situations, and if justified in a child's support plan, personal care services can also be provided to the child in the licensed home.

When youth transition to adulthood, the foster care payment is no longer available because the youth is no longer in OCS custody. Other options to support their living needs either pay less or have higher requirements for certification; do not allow personal care services to be provided; and would require the foster parent to license their home as an assisted living home. The bill aims to create an adult foster care option in statute that allows for the youth to remain in the same home they have been living; enable the foster parent to continue to receive adequate support to provide 24/7 care; allow for personal care services if the individual's support plan demonstrates this need; and provide oversight to ensure that the home is a safe and positive setting in which the individual's needs can be met, without requiring that the home setting be licensed as an assisted living home. This bill will provide a new license type, similar to the current child foster care home license, that will provide structured services and family continuity for disabled youth after aging out of the traditional foster care system. The bill also will create a new service, adult foster care, that will ensure providers are qualified and supported in providing care to these individuals.

How many individuals will this bill affect?

On March 1, 2021, 50 foster care youth were either placed on a home and community-based waiver or were waiting to receive these services. The Office of Children's Services estimates that a maximum of 10 of these youth will age out of the foster care system each year.

[9:59:37 AM](#)

Mr. Newman addressed a graphic on display in the committee room (copy not on file).

10:04:53 AM

Senator Wielechowski queried the estimate of the number of people impacted and the total cost.

Mr. Newman replied that there were roughly 20 children that were on a Medicaid Home and Community Based waiver and in foster care. He stated that there was an estimate of a maximum of ten youth per year transitioning into the service. He could provide an overview of the fiscal notes.

Co-Chair Bishop stated that the fiscal notes would be covered later.

10:05:42 AM

Senator Olson queried the difference between an assisted living home license and an adult foster care license.

Mr. Newman replied that the bill would create an adult foster care license, and then regulation would define the details of what an adult foster home license.

Senator Olson queried the difference between an assisted living home license and an adult foster care license.

Mr. Newman replied that the intention of the bill made it clear that the goal was to provide for a streamlined transition from a child foster home license to an adult foster home license.

Senator Olson asked why there was not more for personal care services.

Mr. Newman responded that he wanted to represent the specific services. He furthered that personal care services would be a separate, and additional cost.

Senator Wielechowski stated that he had some questions about the fiscal note.

10:09:09 AM

Mr. Newman addressed the Sectional Analysis (copy on file):

Section 1: Adds a new section to AS 47.07, Medicaid Assistance for Needy Persons, to declare that the state's policy is to support individuals who are or were in the custody of the state under AS 47.10 (Child in Need of Aid), residing in a licensed foster care home, and eligible for home and community-based waiver services by providing the means for an individual to remain in the same home and with the same families when they are released from state custody after turning 18 years of age.

This section requires the department to make reasonable efforts to implement adult foster care services in a streamlined manner.

This section creates a new section, AS 47.07.048, that sets out the provision of adult foster care services, and requires the department to: assist foster parents with transitioning from a foster care license to an adult foster care home license; pay the cost of maintenance necessary to assure adequate care for an adult foster care recipient through a daily rate set by the department; allow the individual to receive habilitative and rehabilitative care in addition to the adult foster care service; and adopt regulations to implement this section.

Section 2: amends AS 47.32.010(b) to add a new entity, "adult foster care homes," that shall be subject to the centralized licensing functions of the department.

Section 3: adds a new section to AS 47.32 that defines the conditions under which the department may license an adult foster care home. A person may be licensed to operate such a home for a minor when the minor turns 18 if the person holds a license under this chapter to operate a foster home at the time of application; and is providing care for a minor who is, or who was, at the time of turning 18, in the custody of the state and residing in the person's licensed foster care home and was receiving home and community-based waiver services under AS 47.07.045.

This section requires the department to streamline the application process necessary for the person to be approved as an adult foster care home provider and

requires that the department approve variances of building code requirements to the extent permitted by state, local, or federal law.

Section 4: amends AS 47.32.900 to add new paragraph (23) defining "adult foster care home" as a residence where an adult head of household provides 24-hour care for not more than two adults for compensation or reimbursement under the adult foster care service; and defines "care" as providing for the physical, mental, and social needs of an individual.

Section 5: amends uncodified law by adding a new section that requires the Department of Health and Social Services to submit for approval by the United States Department of Health and Human Services an amendment to the state medical assistance plan, waivers, or an 1115 demonstration waiver as necessary to allow eligible individuals to receive adult foster care services and other long-term care services that are not duplicative.

Section 6: amends uncodified law by adding instructions to the revisor of statutes to give effect to the provisions of this bill by changing "Department Health and Social Services" to "Department of Health" as proposed under the Governor's Executive Order to reorganize the department if both the Executive Order and this bill are enacted into law. This section also requests that, if this bill and another bill amending the term "crisis stabilization center" to read "subacute mental health facility" both become law, the revisor of statutes give effect to both changes of terms.

Senator Wielechowski looked at the fiscal note OMB number 3234, and wondered whether there was a concurrent decrement for the \$126 per day that the state was currently paying.

Mr. Newman replied that the bill was a potentially lower cost alternative.

Senator Wielechowski felt that the fiscal note should reflect a decrement.

Mr. Newman agreed to take a closer examination at the fiscal note and provide the committee with any potential savings.

[10:14:59 AM](#)

Senator von Imhof stressed that it was difficult to fully determine the fiscal note.

Senator Hoffman requested that the department provide the population base of 15-, 16-, and 17-year-olds by community to see where the need is throughout the state.

Mr. Newman agreed to provide that information.

Co-Chair Bishop agreed with the comments about the fiscal note from Senator von Imhof. He wondered whether there was confidence in approval of the waiver.

Mr. Newman replied in the affirmative because other states had an adult foster home service.

Senator Wilson wondered whether the department could provide the number of children that choose to stay in foster care up to age 21.

Mr. Newman agreed to provide that information.

[10:20:40 AM](#)

Senator Wielechowski wondered whether there was a provision for a disabled adult, not under foster care, could be considered under the proposed program.

Mr. Newman replied that, currently the bill was limited to people who had left child foster care, but stated that there had been discussions about that question.

[10:21:24 AM](#)

Co-Chair Bishop OPENED public testimony.

[10:22:03 AM](#)

MICHAEL JAFFERY, SELF, UTQIAGVIK (via teleconference), testified in support of the legislation.

[10:24:15 AM](#)

LINDA GIANI, SELF, WASILLA (via teleconference), spoke in support of the bill.

[10:28:13 AM](#)

LOIS EPPERSON, ADULT FOSTER CARE, WASILLA (via teleconference), testified in support of the legislation.

[10:31:23 AM](#)

Co-Chair Bishop CLOSED public testimony.

[10:31:30 AM](#)

AT EASE

[10:31:54 AM](#)

RECONVENED

Co-Chair Bishop stated that the day's afternoon meeting would be cancelled.

SB 98 was HEARD and HELD in committee for further consideration.

#

ADJOURNMENT

[10:32:18 AM](#)

The meeting was adjourned at 10:32 a.m.